

REMARKS

In the application claims 68-129 remain pending. Claims 1-67 have been canceled without prejudice. Claims 110-129 have been added by amendment. The amendment to the claims presented herewith find support in the specification, figures, and/or claims as originally filed. No new matter has been added.

In the application claims 72-81 have been indicated to be allowable. Previously presented claims 68-71 and 82-109 have been rejected. The reconsideration of the rejection of the claims is, however, respectfully requested.

In the Office Action pending claims 68-71 were rejected under 35 U.S.C. § 103 as being rendered obvious by Stefanik (U.S. Patent No. 6,750,801) as modified by Kaario (U.S. Publication No. 2005/0242167) as further modified by Nickum (U.S. Patent No. 6,359,661).

As acknowledged within the Office Action, Stefanik discloses a method of configuring an appliance by providing configuration data to an appliance utilizing a smart card inserted into a remote control. As further acknowledged within the Office Action, Stefanik fails to disclose, teach, or suggest the claimed storing within a memory device of an appliance *a mapping between one or more appliance operational preferences and an individual* or the claimed *using of data received from an RFID tag and forwarded from a universal remote control to retrieve from the memory device of the appliance the one or more appliance operational preferences that have been mapped to the individual represented by the data received from the RFID tag* and configuring the appliance according to the retrieved appliance operational preferences. It is additionally respectfully submitted that the mere disclosure within Stefanik that information stored on the removable smart card could also contain user Internet profiles and information, including access to email, Internet browser bookmarks, account names, address lists, hosts,

security features, and display formats pertaining to Internet browsing on a television monitor does not expressly or inherently disclose, teach or suggest *using of data received from an RFID tag and forwarded from a universal remote control to retrieve from the memory device of the appliance the one or more appliance operational preferences that have been mapped to the individual represented by the data received from the RFID tag.* *Continental Can Co. USA v. Monsanto Co.*, 948 F.3d 1264 (Fed. Cir. 1991) (To be “inherently” described in a reference, the reference “must make clear that the missing descriptive matter is necessarily present in the thing described and that it would be so recognized by persons of ordinary skill.” Inherency “may not be established by probabilities or possibilities.”)

Considering now Kaario, it is respectfully submitted that Kaario discloses two alternative methods for configuring an appliance. In the first described method, Kaario discloses, teaches, and suggests configuring an appliance by *uploading information about a user's preferences* to the appliance via a removable media such as a memory card or disk or via an RFID token. (para. 0036). In the second described method, meant to overcome the perceived limitations associated with uploading information to an appliance via use of a memory card or the like (para. 0005), Kaario describes using an RFID tag/token that contains a pointer to a relay location on a network which, in turn, contains an Internet URL to an Internet server having profile information for a user (paras. 0009, 0010) such that, when the RFID token of Kaario establishes a link with a smart appliance, the RFID token of Kaario conveys the relay location to the smart appliance, the smart appliance accesses the relay location, the relay location responds by sending the profile URL to the appliance, *and then* the appliance attempts to link with/download the profile using the profile URL. (para. 0013). In this manner, the second described embodiment of Kaario is meant *not to maintain profile data on an appliance* but to provide the ability to move profile or preference

data from a central store to various appliances as needed. (para. 0021 and paras. 0063 and 0064 cited to in the latest Office Action). Accordingly, it is respectfully submitted that Kaario, like Stefanik, fails to disclose, teach or suggest at least the claimed elements of using of data received from an RFID tag and forwarded from a universal remote control to retrieve from the memory device of the appliance the one or more appliance operational preferences that have been mapped to the individual represented by the data received from the RFID tag and configuring the appliance according to the retrieved appliance operational preferences. It is further respectfully submitted that Kaario, when considered in its entirety as is required, teaches directly against the invention set forth within claims 68-71 and, as such, is not properly relied upon in connection with presenting a *prima facie* case of obviousness.

It is additionally respectfully submitted that para. 39, line 5 of Kaario has no relevance to the invention claimed. Rather, cited to para. 39, line 5 of Kaario discloses, teach, and suggests nothing more than the fact that, in the first described method of Kaario, the information uploaded about a user's preferences via the removable media such as a memory card or disk or via an RFID token. (para. 0036) could be stored on the mass storage device of the computer or the information uploaded about a user's preferences via the removable media such as a memory card or disk or via an RFID token. (para. 0036) could be stored on the mass storage device of another device. Still further, it is respectfully submitted that in either instance the preference information uploaded and stored in mass storage is never mapped to anything.

Turning now to Nickum, Nickum discloses a system in which a user id, comprised of a predetermined sequence of alphanumeric keys, is provided to a remote control which, in turn, is used at an appliance to determine a level of access to the appliance. (Col. 4, line 66-Col. 5, line 20). Accordingly, like each of Stefanik and Kaario, Nickum fails to disclose, teach or suggest at

least the claimed elements of using of data received from an RFID tag and forwarded from a universal remote control to retrieve from the memory device of the appliance the one or more appliance operational preferences that have been mapped to the individual represented by the data received from the RFID tag and configuring the appliance according to the retrieved appliance operational preferences.

From the foregoing, it is respectfully submitted that the rejection of claims 68-71 fails to present a *prima facie* case of obviousness for at least the reason that the references being relied upon fail to disclose all of the elements that are recited within the claims. In particular, it is respectfully submitted that no reference of record discloses, teaches, or suggests at least the claimed elements of using data received from an RFID tag and forwarded from a universal remote control to retrieve from the memory device of the appliance the one or more appliance operational preferences that have been mapped to the individual represented by the data received from the RFID tag and configuring the appliance according to the retrieved appliance operational preferences. For this reason, it is respectfully submitted that the rejection of claims 68-71 under 35 U.S.C. § 103 must be withdrawn.

It is further respectfully submitted that, to the extent that it is being asserted that it would have been obvious to modify Stefanik to arrive at the claimed invention because Kaario discloses an RFID tag used in a setup process and Nickum discloses the use of a remote control and user ids in a setup process, it is well settled that the mere identification of elements selected in isolation from the prior art is insufficient to demonstrate the obviousness of a claimed invention. Rather, a *prima facie* case of obviousness further requires a demonstration that some reason exists, outside of the Applicant's disclosure, for one of skill in the art to arrive at the invention claimed. In the instant case, it is respectfully submitted that no reference of record, other than

the Applicant's disclosure, provides any reason or otherwise teaches or suggests modifying Stefanik to thereby provide the expressly claimed appliance configuration method. In this regard, it will be appreciated that Kaario suggests using an RFID tag that contains a pointer to a relay location on a network which, in turn, contains an Internet URL to an Internet server having profile information for a user *as a substitute for* the Stefanik memory card while Nickum suggests using a predetermined sequence of keystrokes provided to a remote control to determine appliance access *as a substitute for* the Stefanik memory card *which substitutions would not result in Stefanik becoming the claimed invention*. Thus, because both Kaario and Nickum fail to disclose, teach, or suggest modifying Stefanik to arrive at the claimed invention, because both Kaario and Nickum suggest alternative and viable ways to achieve appliance configuration and thereby demonstrate that one of skill in the art would not necessarily even consider modifying Stefanik in a manner that would lead one of skill in the art to the claimed invention (with Kaario in fact teaching against the method claimed), and because the Office Action otherwise fails to provide any reason with some rational underpinning to explain why one of skill in the art would have been led to modify Stefanik to arrive at the claimed invention, it is respectfully submitted that the rejection of claims 68-71 under 35 U.S.C. § 103 must be withdrawn.

In the Office Action pending claims 82-86, 93-97, and 108-109 were rejected under 35 U.S.C. § 103 as allegedly being rendered obvious by Yang (U.S. 6,133,847) as modified by Kitao (U.S. 6,124,804), as further modified by Sarma (an article entitled "The Networked Physical World") as still further modified by Brock (an article entitle "The Electronic Product Code").

In rejecting these claims it was acknowledged that, among other things, Yang fails to disclose, teach, or suggest receiving into a remote control data from a machine readable tag

having standardized information that functions to identify an appliance and manufacturer of an appliance and using the received data to configure the remote control. It is additionally respectfully submitted that, by this acknowledged omission, Yang fails to disclose, teach, or suggest the claimed receiving data into a universal remote control data from a machine readable tag via a device of the universal remote control dedicated to obtaining data from the machine readable tag, using the data received into the universal remote control to access information to be used to configure the universal remote control, using the accessed information by a setup procedure to configure the universal remote control, and/or using a separate transmission circuit to transmit commands to an appliance to be controlled from a now configured remote control. Rather, in direct contrast, Yang discloses a device in which a single data interface (110) is to be utilized, regardless of the physical media/channel by which data is to be obtained, for *both* downloading code from an appliance and for transmitting function control signals from a remote control device to an appliance. (Col. 3, line 36-56; Col. 3, line 66-Col. 4, line 14, etc.). Accordingly, it is respectfully submitted that Yang not only fails to disclose, teach, or suggest the core of the invention set forth within the claims but, in fact, teaches directly against the invention that is claimed. For at least this reason it is respectfully submitted that the espoused modification of Yang would impermissibly change the principle of operation of Yang and, as such, the rejection of claims 82-86, 93-97, and 108-109 under 35 U.S.C. § 103 must be withdrawn.

Considering now Kitao, it is respectfully submitted that Kitao, like Yang, discloses a system in which an appliance is required to be provided with the hardware and software necessary to configure a remote control to communicate with that appliance. Specifically, Kitao discloses a system wherein (1) an electronic device to be controlled is selected on a remote controller 100 which causes the remote controller 100 to send a trigger signal to an appliance; (2)

a remote control interface 109 of the appliance responds to the trigger signal by sending a “device code” back to the remote controller 100; and (3) the device code is used by the remote controller 100 to identify a command set to which the target appliance responds. Thus, like Yang, Kitao fails to disclose, teach, or suggest the claimed receiving data into a universal remote control from a machine readable tag via a device of the universal remote control dedicated to obtaining data from the machine readable tag, using the data received into the universal remote control to access information to be used to configure the universal remote control, and using the accessed information by a setup procedure to configure the universal remote control to transmit commands to an appliance.

While each of Yang and Kitao disclose, teach, and suggest a system in which an appliance is provided with the software and hardware necessary to facilitate remote control setup and, therefore, each of Yang and Kitao fails to disclose, teach, or suggest the claimed receiving data into a universal remote control data from a machine readable tag via a device of the universal remote control dedicated to obtaining data from the machine readable tag, using the data received into the universal remote control to access information to be used to configure the universal remote control, and using the accessed information by a setup procedure to configure the universal remote control to transmit commands to an appliance, it is respectfully submitted that Sarma and Brock also fail to disclose, teach, or suggest these claimed elements.

Considering now Sarma and Brock, while both Sarma and Brock disclose the use of tags, such as RFID tags, having product information, it is respectfully submitted that neither Sarma nor Brock disclose, teach, or suggest using such tags in connection with a remote control configuration process as is claimed. More particularly, Sarma and Brock, like Yang and Kitao, fail to disclose, teach, or suggest providing to a universal remote control a device dedicated to

obtaining data from the machine readable tag, using the data received into the universal remote control to access information to be used to configure the universal remote control, and using the accessed information by a setup procedure to configure the universal remote control to transmit commands to an appliance. Rather, Sarma merely states that “*...it is likely that [RFID] tags will find new and unexpected uses.*” (page 7, section 4.3, second paragraph). It is respectfully submitted that nothing within the record evidences that the claimed invention is not one such new and unexpected use for RFID tags. It is also respectfully noted that the Auto-ID Center at MIT, publisher of both Sarma and Brock, similarly failed to contemplate using RFID tags in the manner claimed, instead noting a focus on (a) simple and inexpensive RFID tags to (b) *enhance supply chain and store management processes* in (c) the fast moving consumer goods industry. (www.autoidlabs.org/mission/page.html).

From the foregoing, it is respectfully submitted that the rejection of claims 82-86, 93-97, and 108-109 fails to present a *prima facie* case of obviousness for at least the reason that the references being relied upon fail to disclose all of the elements that are recited within the claims. In particular, it is respectfully submitted that no reference of record discloses, teaches, or suggests at least the claimed elements associated with providing to a universal remote control a device dedicated to obtaining data from the machine readable tag, using the data received into the universal remote control to access information to be used to configure the universal remote control, and using the accessed information by a setup procedure to configure the universal remote control to transmit commands to an appliance. For this reason, it is respectfully submitted that the rejection of claims 82-86, 93-97, and 108-109 under 35 U.S.C. § 103 must be withdrawn.

It is further respectfully submitted that, to the extent that it is being asserted that it would

have been obvious to modify Yang to arrive at the claimed invention because Kitao discloses use of appliance identifying data to configure a remote control and Sarma and Brock disclose tags having identifying data, it is well settled that the mere identification of elements selected in isolation from the prior art is insufficient to demonstrate the obviousness of a claimed invention. Rather, a *prima facie* case of obviousness further requires a demonstration that some reason exists, outside of the Applicant's disclosure, for one of skill in the art to arrive at the invention claimed. In the instant case, it is respectfully submitted that no reference of record, other than the Applicant's disclosure, provides any reason or otherwise teaches or suggests modifying Yang to thereby provide the expressly claimed remote control configuration method. In this regard, it will be appreciated that Yang and Kitao already provide systems that are adapted to configure a remote control and neither Yang nor Kitao suggest the desirability of or need for the particularly claimed invention. Similarly, neither Sarma nor Brock disclose, teach, or suggest that it would be desirable or even useful to modify the system of Yang to use tags in a remote control configuration process, let alone to modify and extensively redesign the system of Yang to provide a remote control with a device dedicated to obtaining data from the machine readable tag and programming for using the data received into the universal remote control to access information to be used to configure the universal remote control and for using the accessed information to configure the universal remote control to transmit commands to an appliance. Thus, because no reference of record discloses, teaches, or suggests modifying Yang to arrive at the claimed invention, because Kitao suggests an alternative and viable way to achieve remote control configuration without the use of tags and thereby demonstrates that one of skill in the art would not necessarily even consider modifying Yang in a manner that would lead one of skill in the art to the claimed invention, because both Sarma and Brock are directed to the use of RFID

tags to *enhance supply chain and store management processes* and are not even concerned with remote control configuration, and because the Office Action otherwise fails to provide any reason with some rational underpinning to explain why one of skill in the art would have been led to modify Yang to arrive at the claimed invention, it is respectfully submitted that the rejection of claims 82-86, 93-97, and 108-109 under 35 U.S.C. § 103 must be withdrawn.

For the reasons set forth above, it is respectfully submitted that newly added claims 110-129 are also allowable.

Conclusion

It is respectfully submitted that the application stands in condition for allowance. Such action on the part of the Examiner is respectfully requested.

In an effort to expedite the prosecution of the subject application it is respectfully requested that the Examiner contact the undersigned should the Examiner have any further questions or comments concerning the claims currently pending.

Respectfully Submitted;



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